

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1860

96TH GENERAL ASSEMBLY

5978L.03P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 178.530, 276.401, 302.286, 537.345, 537.346, 569.140, 575.010, and 575.120, RSMo, and to enact in lieu thereof twelve new sections relating to agriculture, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 178.530, 276.401, 302.286, 537.345, 537.346, 569.140, 575.010, 2 and 575.120, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known 3 as sections 178.530, 276.401, 302.286, 537.345, 537.346, 537.351, 569.140, 575.010, 575.120, 4 575.124, 578.660, and 578.672, to read as follows:

178.530. **1.** The state board of education shall establish standards and annually inspect, 2 as a basis for approval, all public prevocational, vocational schools, Linn State Technical 3 College, departments and classes receiving state or federal moneys for giving training in 4 agriculture, industrial, home economics and commercial subjects and all schools, departments 5 and classes receiving state or federal moneys for the preparation of teachers and supervisors of 6 such subjects. The public prevocational and vocational schools, Linn State Technical College, 7 departments, and classes, and the training schools, departments and classes are entitled to the 8 state or federal moneys so long as they are approved by the state board of education, as to site, 9 plant, equipment, qualifications of teachers, admission of pupils, courses of study and methods 10 of instruction. All disbursements of state or federal moneys for the benefit of the approved 11 prevocational and vocational schools, Linn State Technical College, departments and classes 12 shall be made semiannually. The school board of each approved school or the governing body 13 of Linn State Technical College shall file a report with the state board of education at the times 14 and in the form that the state board requires. Upon receipt of a satisfactory report, the state board

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 of education shall certify to the commissioner of administration for his approval the amount of  
16 the state and federal moneys due the school district or Linn State Technical College. The amount  
17 due the school district shall be certified by the commissioner of administration and proper  
18 warrant therefor shall be issued to the district treasurer or Linn State Technical College.

19 **2. Notwithstanding the provisions of subsection 1 of this section, the state board of**  
20 **education shall establish standards for agricultural education that may be adopted by a**  
21 **private school accredited by an agency recognized by the United States Department of**  
22 **Education as an accreditor of private schools that wishes to provide quality vocational**  
23 **programming outside the requirements of, but consistent with, the federal vocational**  
24 **education act. Such standards shall be sufficient to qualify a private school to apply to the**  
25 **state chapter for approval of a local chapter of a federally chartered national agricultural**  
26 **education association on a form developed for that purpose by the department of**  
27 **elementary and secondary education without eligibility to receive state or federal funding**  
28 **for agricultural vocational education; however, such private school shall reimburse the**  
29 **department annually for the cost of oversight and maintenance of the program.**

276.401. 1. Sections 276.401 to 276.582 shall be known as the "Missouri Grain Dealer  
2 Law".

3 2. The provisions of the Missouri grain dealer law shall apply to grain purchases where  
4 title to the grain transfers from the seller to the buyer within the state of Missouri.

5 3. Unless otherwise specified by contractual agreement, title shall be deemed to pass to  
6 the buyer as follows:

7 (1) On freight on board (FOB) origin or freight on board (FOB) basing point contracts,  
8 title transfers at time and place of shipment;

9 (2) On delivered contracts, when and where constructively placed, or otherwise made  
10 available at buyer's original destination;

11 (3) On contracts involving in-store commodities, at the storing warehouse and at the time  
12 of contracting or transfer, and/or mailing of documents, if required, by certified mail, unless and  
13 to the extent warehouse tariff, warehouse receipt and/or storage contract assumes the risk of loss  
14 and/or damage.

15 4. As used in sections 276.401 to 276.582, unless the context otherwise requires, the  
16 following terms mean:

17 (1) "Auditor", a person appointed under sections 276.401 to 276.582 by the director to  
18 assist in the administration of sections 276.401 to 276.582, and whose duties include making  
19 inspections, audits and investigations authorized under sections 276.401 to 276.582;

20 (2) "Authorized agent", any person who has the legal authority to act on behalf of, or for  
21 the benefit of, another person;

- 22 (3) "Buyer", any person who buys or contracts to buy grain;
- 23 (4) "Certified public accountant", any person licensed as such under chapter 326;
- 24 (5) "Claimant", any person who requests payment for grain sold by him to a dealer, but  
25 who does not receive payment because the purchasing dealer fails or refuses to make payment;
- 26 (6) "Credit sales contracts", a conditional grain sales contract wherein payment and/or  
27 pricing of the grain is deferred to a later date. Credit sales contracts include, but are not limited  
28 to, all contracts meeting the definition of deferred payment contracts, and/or delayed price  
29 contracts;
- 30 (7) "Current assets", resources that are reasonably expected to be realized in cash, sold,  
31 or consumed (prepaid items) within one year of the balance sheet date;
- 32 (8) "Current liabilities", obligations reasonably expected to be liquidated within one year  
33 and the liquidation of which is expected to require the use of existing resources, properly  
34 classified as current assets, or the creation of additional liabilities. Current liabilities include  
35 obligations that, by their terms, are payable on demand unless the creditor has waived, in writing,  
36 the right to demand payment within one year of the balance sheet date;
- 37 (9) "Deferred payment agreement", a conditional grain sales transaction establishing an  
38 agreed upon price for the grain and delaying payment to an agreed upon later date or time period.  
39 Ownership of the grain, and the right to sell it, transfers from seller to buyer so long as the  
40 conditions specified in section 276.461 and section 411.325 are met;
- 41 (10) "Deferred pricing agreement", a conditional grain sales transaction wherein no price  
42 has been established on the grain, the seller retains the right to price the grain later at a mutually  
43 agreed upon method of price determination. Deferred pricing agreements include, but are not  
44 limited to, contracts commonly known as no price established contracts, price later contracts, and  
45 basis contracts on which the purchase price is not established at or before delivery of the grain.  
46 Ownership of the grain, and the right to sell it, transfers from seller to buyer so long as the  
47 conditions specified in section 276.461 and section 411.325 are met;
- 48 (11) "Delivery date" shall mean the date upon which the seller transfers physical  
49 possession, or the right of physical possession, of the last unit of grain in any given transaction;
- 50 (12) "Department", the Missouri department of agriculture;
- 51 (13) "Designated representative", an employee or official of the department designated  
52 by the director to assist in the administration of sections 276.401 to 276.582;
- 53 (14) "Director", the director of the Missouri department of agriculture or his designated  
54 representative;
- 55 (15) "Generally accepted accounting principles", the conventions, rules and procedures  
56 necessary to define accepted accounting practice, which include broad guidelines of general  
57 application as well as detailed practices and procedures generally accepted by the accounting

58 profession, and which have substantial authoritative support from the American Institute of  
59 Certified Public Accountants;

60 (16) "Grain", all grains for which the United States Department of Agriculture has  
61 established standards under the United States Grain Standards Act, Sections 71 to 87, Title 7,  
62 United States Code, and any other agricultural commodity or seed prescribed by the director by  
63 regulation;

64 (17) "Grain dealer" or "dealer", any person engaged in the business of, or as a part of his  
65 business participates in, buying grain where title to the grain transfers from the seller to the buyer  
66 within the state of Missouri. "Grain dealer" or "dealer" shall not be construed to mean or  
67 include:

68 (a) Any person or entity who is a member of a recognized board of trade or futures  
69 exchange and whose trading in grain is limited solely to trading with other members of a  
70 recognized board of trade or futures exchange; provided, that grain purchases from a licensed  
71 warehouseman, farmer/producer or any other individual or entity in a manner other than through  
72 the purchase of a grain futures contract on a recognized board of trade or futures exchange shall  
73 be subject to sections 276.401 to 276.582. Exempted herein are all futures transactions;

74 (b) A producer or feeder of grain for livestock or poultry buying grain for his own  
75 farming or feeding purposes who purchases grain exclusively from licensed grain dealers or  
76 whose total grain purchases from producers during his or her fiscal year do not exceed fifty  
77 thousand bushels;

78 (c) Any person or entity whose grain purchases in the state of Missouri are made  
79 exclusively from licensed grain dealers;

80 (d) A manufacturer or processor of registered or unregistered feed whose total grain  
81 purchases from producers during his or her fiscal year does not exceed [one hundred thousand  
82 dollars] **fifty thousand bushels** and who pays for all grain purchases from producers at the time  
83 of physical transfer of the grain from the seller or his or her agent to the buyer or his or her agent  
84 and whose resale of such grain is solely in the form of manufactured or processed feed or feed  
85 by-products or whole feed grains to be used by the purchaser thereof as feed;

86 (18) "Grain transport vehicle", a truck, tractor-trailer unit, wagon, pup, or any other  
87 vehicle or trailer used by a dealer, whether owned or leased by him, to transport grain which he  
88 has purchased; except that, bulk or bagged feed delivery trucks which are used principally for  
89 the purpose of hauling feed and any trucks for which the licensed gross weight does not exceed  
90 twenty-four thousand pounds shall not be construed to be a grain transport vehicle;

91 (19) "Insolvent" or "insolvency", (a) an excess of liabilities over assets or (b) the inability  
92 of a person to meet his financial obligations as they come due, or both (a) and (b);

93 (20) "Interested person", any person having a contractual or other financial interest in  
94 grain sold to a dealer, licensed, or required to be licensed;

95 (21) "Location", any site other than the principal office where the grain dealer engages  
96 in the business of purchasing grain;

97 (22) "Minimum price contract", a conditional grain sales transaction establishing an  
98 agreed upon minimum price where the seller may participate in subsequent price gain, if any.  
99 Ownership of the grain, and the right to sell it, transfers from the seller to the buyer so long as  
100 the conditions specified in section 276.461 and section 411.325 are met;

101 (23) "Person", any individual, partnership, corporation, cooperative, society, association,  
102 trustee, receiver, public body, political subdivision or any other legal or commercial entity of any  
103 kind whatsoever, and any member, officer or employee thereof;

104 (24) "Producer", any owner, tenant or operator of land who has an interest in and  
105 receives all or any part of the proceeds from the sale of grain or livestock produced thereon;

106 (25) "Purchase", to buy or contract to buy grain;

107 (26) "Sale", the passing of title from the seller to the buyer in consideration of the  
108 payment or promise of payment of a certain price in money, or its equivalent;

109 (27) "Value", any consideration sufficient to support a simple contract.

302.286. 1. No person shall:

2 (1) Drive a motor vehicle so as to cause it to leave the premises of an establishment at  
3 which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle  
4 unless payment or authorized charge for motor fuel dispensed has been made; or

5 (2) **Dispense or otherwise remove any motor fuel from a storage container with a**  
6 **capacity of ten gallons or greater at any residence, farm, or agricultural property without**  
7 **the express permission of the owner of such residence, farm, or agricultural property;**  
8 **except that, nothing in this subdivision shall prohibit the removal of any such motor fuel**  
9 **for nonpayment. Any such unauthorized dispensing or removal of motor fuel is theft of**  
10 **motor fuel and is punishable as the crime of stealing under section 570.030.**

11 A person found guilty or pleading guilty to stealing pursuant to section 570.030 for the theft of  
12 motor fuel as described in this section shall have his or her driver's license suspended by the  
13 court, beginning on the date of the court's order of conviction.

14 2. The person shall submit all of his or her operator's and chauffeur's licenses to the court  
15 upon conviction and the court shall forward all such driver's licenses and the order of suspension  
16 of driving privileges to the department of revenue for administration of such order.

17 3. Suspension of a driver's license pursuant to this section shall be made as follows:

18 (1) For the first offense, suspension shall be for sixty days, provided that persons may  
19 apply for hardship licenses pursuant to section 302.309 at any time following the first thirty days  
20 of such suspension;

21 (2) For the second offense, suspension shall be for ninety days, provided that persons  
22 may apply for hardship licenses pursuant to section 302.309 at any time following the first sixty  
23 days of such suspension; and

24 (3) For the third or any subsequent offense, suspension shall be for one hundred eighty  
25 days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any  
26 time following the first ninety days of such suspension.

27 4. At the expiration of the suspension period, and upon payment of a reinstatement fee  
28 of twenty-five dollars, the director shall terminate the suspension and shall return the person's  
29 driver's license. The reinstatement fee shall be in addition to any other fees required by law, and  
30 shall be deposited in the state treasury to the credit of the state highway department fund,  
31 pursuant to section 302.228.

537.345. As used in sections 537.345 to 537.347, **and section 537.351**, the following  
2 terms mean:

3 (1) "Charge", the admission price or fee asked by an owner of land or an invitation or  
4 permission without price or fee to use land for recreational purposes when such invitation or  
5 permission is given for the purpose of sales promotion, advertising or public goodwill in  
6 fostering business purposes;

7 (2) "Land", all real property, land and water, and all structures, fixtures, equipment and  
8 machinery thereon;

9 (3) "Owner", any individual, legal entity or governmental agency that has any ownership  
10 or security interest whatever or lease or right of possession in land;

11 (4) "Recreational use", hunting, fishing, camping, picnicking, biking, nature study,  
12 winter sports, viewing or enjoying archaeological or scenic sites, or other similar activities  
13 undertaken for recreation, exercise, education, relaxation, or pleasure on land owned by another;

14 (5) **"Trespasser", any person who enters on the property of another without**  
15 **permission and without an invitation, express or implied regardless of whether actual**  
16 **notice of trespass was given or the land was posted in accordance with the provisions of**  
17 **sections 569.140 and 569.145.**

537.346. Except as provided in sections 537.345 to 537.348, **and section 537.351**, an  
2 owner of land owes no duty of care to any person who enters on the land without charge to keep  
3 his land safe for recreational use or to give any general or specific warning with respect to any  
4 natural or artificial condition, structure, or personal property thereon.

**537.351. 1. Except as provided in subsection 2 of this section, a possessor of real property, including an owner, lessee, or other occupant, or an agent of such owner, lessee, or other occupant, owes no duty of care to a trespasser except to refrain from harming the trespasser by an intentional, willful, or wanton act. A possessor of real property may use justifiable force to repel a criminal trespasser as provided by section 563.074.**

**2. A possessor of real property may be subject to liability for physical injury or death to a trespasser in the following situations:**

**(1) If the trespasser is a child who is harmed by a dangerous artificial condition on the land; and**

**(a) The possessor knew or should have known that children were likely to trespass at the location of the condition;**

**(b) The condition is one which the possessor knew or reasonably should have known involved an unreasonable risk of death or serious physical injury to such children;**

**(c) The injured child because of the child's youth did not discover the condition or realize the risk involved in the intermeddling with the condition or in coming within the area made dangerous by the condition;**

**(d) The utility to the possessor of maintaining the condition and the burden of eliminating the danger were slight as compared with the risk to the child involved; and**

**(e) The possessor failed to exercise reasonable care to eliminate the danger or otherwise protect the injured child; or**

**(2) The possessor knew or should have known that trespassers consistently intrude upon a limited area of the possessor's land where the trespasser was harmed, the harm resulted from a dangerous artificial condition on the land; and**

**(a) The possessor created or maintained the artificial condition that caused the injury;**

**(b) The possessor knew that the condition was likely to cause death or serious bodily harm to trespassers;**

**(c) The possessor knew or should have known that the condition was of such a nature that trespassers would not discover it; and**

**(d) The possessor failed to exercise reasonable care to warn trespassers of the condition and the risk involved; or**

**(3) If the possessor knew of the trespasser's presence on the land and failed to exercise ordinary care as to active operations carried out on the land.**

**3. This section does not create or increase the liability of any possessor of real property and does not affect any immunities from or defenses to liability established under**

36 **state law or available under common law to which a possessor of real property may be**  
37 **entitled under circumstances not covered by this section.**

569.140. 1. A person commits the crime of trespass in the first degree if he knowingly  
2 enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon  
3 real property.

4 2. A person does not commit the crime of trespass in the first degree by entering or  
5 remaining upon real property unless the real property is fenced or otherwise enclosed in a manner  
6 designed to exclude intruders or as to which notice against trespass is given by:

7 (1) Actual communication to the actor; or

8 (2) Posting in a manner reasonably likely to come to the attention of intruders.

9 3. Trespass in the first degree is a class [B] A misdemeanor.

575.010. The following definitions shall apply to this chapter and chapter 576:

2 (1) "Affidavit" means any written statement which is authorized or required by law to  
3 be made under oath, and which is sworn to before a person authorized to administer oaths;

4 (2) "Government" means any branch or agency of the government of this state or of any  
5 political subdivision thereof;

6 (3) "Highway" means any public road or thoroughfare for vehicles, including state roads,  
7 county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

8 (4) "Judicial proceeding" means any official proceeding in court, or any proceeding  
9 authorized by or held under the supervision of a court;

10 (5) "Juror" means a grand or petit juror, including a person who has been drawn or  
11 summoned to attend as a prospective juror;

12 (6) "Jury" means a grand or petit jury, including any panel which has been drawn or  
13 summoned to attend as prospective jurors;

14 (7) "Official proceeding" means any cause, matter, or proceeding where the laws of this  
15 state require that evidence considered therein be under oath or affirmation;

16 (8) "Police animal" means a dog, horse or other animal used in law enforcement or a  
17 correctional facility, or by a municipal police department, fire department, search and rescue unit  
18 or agency, whether the animal is on duty or not on duty. The term shall include, but not be  
19 limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and  
20 rescue dogs and tracking animals;

21 (9) "Public record" means any document which a public servant is required by law to  
22 keep;

23 (10) **"Public servant", any person employed in any way by the state or political**  
24 **subdivision of this state who is compensated by the state or political subdivision of this**  
25 **state by reason of such person's employment, any person appointed to a position with the**



26 **state or any political subdivision of this state, or any person elected to a position with the**  
27 **state or any political subdivision of this state. Public servant includes, but is not limited**  
28 **to, members of the general assembly, jurors, members of the judiciary, law enforcement**  
29 **officers, and state inspectors employed by state agencies. Public servant does not include**  
30 **witnesses;**

31 (11) "Testimony" means any oral statement under oath or affirmation;

32 [(11)] (12) "Victim" means any natural person against whom any crime is deemed to  
33 have been perpetrated or attempted;

34 [(12)] (13) "Witness" means any natural person:

35 (a) Having knowledge of the existence or nonexistence of facts relating to any crime; or

36 (b) Whose declaration under oath is received as evidence for any purpose; or

37 (c) Who has reported any crime to any peace officer or prosecutor; or

38 (d) Who has been served with a subpoena issued under the authority of any court of this  
39 state.

575.120. 1. A person commits the crime of false impersonation if such person:

2 (1) Falsely represents himself or herself to be a public servant with purpose to induce  
3 another to submit to his or her pretended official authority or to rely upon his or her pretended  
4 official acts, and

5 (a) Performs an act in that pretended capacity; or

6 (b) Causes another to act in reliance upon his or her pretended official authority;

7 (2) Falsely represents himself or herself to be a person licensed to practice or engage in  
8 any profession for which a license is required by the laws of this state with purpose to induce  
9 another to rely upon such representation, and

10 (a) Performs an act in that pretended capacity; or

11 (b) Causes another to act in reliance upon such representation; or

12 (3) Upon being arrested, falsely represents himself or herself, to a law enforcement  
13 officer, with the first and last name, date of birth, or Social Security number, or a substantial  
14 number of identifying factors or characteristics as that of another person that results in the filing  
15 of a report or record of arrest or conviction for an infraction, misdemeanor, or felony that  
16 contains the first and last name, date of birth, and Social Security number, or a substantial  
17 number of identifying factors or characteristics to that of such other person as to cause such other  
18 person to be identified as the actual person arrested or convicted.

19 2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior to  
20 any conviction of the person actually arrested for an underlying charge, then the prosecuting  
21 attorney, bringing any action on the underlying charge, shall notify the court thereof, and the  
22 court shall order the false-identifying factors ascribed to the person actually arrested as are

23 contained in the arrest and court records amended to correctly and accurately identify the  
24 defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and  
25 court records.

26 3. If a violation of subdivision (3) of subsection 1 of this section is discovered after any  
27 conviction of the person actually arrested for an underlying charge, then the prosecuting attorney  
28 of the county in which the conviction occurred shall file a motion in the underlying case with the  
29 court to correct the arrest and court records after discovery of the fraud upon the court. The court  
30 shall order the false identifying factors ascribed to the person actually arrested as are contained  
31 in the arrest and court records amended to correctly and accurately identify the defendant and  
32 shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

33 4. Any person who is the victim of a false impersonation and whose identity has been  
34 falsely reported in arrest or conviction records may move for expungement and correction of said  
35 records under the procedures set forth in section 610.123. Upon a showing that a substantial  
36 number of identifying factors of the victim was falsely ascribed to the person actually arrested  
37 or convicted, the court shall order the false identifying factors ascribed to the person actually  
38 arrested as are contained in the arrest and court records amended to correctly and accurately  
39 identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and  
40 court records.

41 5. False impersonation is a class [B] A misdemeanor unless the person represents himself  
42 to be a law enforcement officer in which case false impersonation is a class [A misdemeanor]  
43 C felony.

**575.124. 1. No person shall attempt by means of any threat or violence to deter or  
2 prevent an inspector, agent, or other employee of the department of agriculture from  
3 performing any duties imposed by law upon such inspector, agent, or employee or the  
4 department.**

5 **2. Any person who violates the provisions of this section is guilty of a class B**  
6 **misdemeanor. Any second or subsequent violation of this section is a class A misdemeanor.**

**578.660. 1. As used in this section, "agricultural production facility" means:**

2 **(1) A location where livestock or poultry is maintained for agricultural production**  
3 **purposes, including but not limited to a location dedicated to farming, livestock or poultry**  
4 **processing facility, a livestock market, exhibition, or vehicle used to transport the animal;**  
5 **or**

6 **(2) Property that is a crop field, orchard, nursery, greenhouse, garden, elevator,**  
7 **seed house, barn, warehouse, or any other associated land or structures located on land**  
8 **that is part of a commercial enterprise where a crop is maintained on the property of the**  
9 **commercial enterprise.**

10           **2. A person commits the crime of agricultural production facility fraud if the**  
11 **person willfully does any of the following:**

12           **(1) Obtains access to an agricultural production facility by false pretenses;**

13           **(2) Makes a false statement or representation as part of an application or**  
14 **agreement to be employed at an agricultural production facility, if the person knows the**  
15 **statement to be false, and makes the statement with an intent to commit an act not**  
16 **authorized by the owner of the agricultural production facility, knowing that the act is not**  
17 **authorized.**

18           **3. A person who commits the crime of agricultural production facility fraud is**  
19 **guilty of a class B misdemeanor. Any second or subsequent violation is a class A**  
20 **misdemeanor.**

21           **4. Any person who aids, abets, acts in concert, or otherwise participates, directly**  
22 **or indirectly, in the commission of the crime is guilty of the crime of agricultural**  
23 **production facility fraud.**

24           **5. A person who conspires to commit the crime of agricultural production facility**  
25 **fraud is subject to the provisions of section 564.016.**

**578.672. 1. A person commits the crime of agricultural production facility**  
2 **interference if such person acts without the consent of the owner of an agricultural**  
3 **production facility, as defined in section 578.660, to willfully:**

4           **(1) Produce a record which reproduces an image or sound occurring at the facility**  
5 **when:**

6           **(a) The record is created by such person while at the facility; and**

7           **(b) The record is a reproduction of a visual or audio experience occurring at the**  
8 **facility, including but not limited to a photographic or audio medium;**

9           **(2) Possess or distribute a record which reproduces an image or sound occurring**  
10 **at the facility which was produced as provided in subdivision (1) of this subsection;**

11           **(3) Exercise control over the facility, including an animal or crop maintained at the**  
12 **facility or other property kept at the facility, with intent to deprive the facility of an**  
13 **animal, crop, or property; or**

14           **(4) Enter onto the facility or remain at the facility if such person has notice that the**  
15 **facility is not open to the public. A person has notice that a facility is not open to the public**  
16 **if the person is provided notice before entering onto the facility or the person refuses to**  
17 **immediately leave the facility after being informed to leave. The notice may be in the form**  
18 **of a written or verbal communication by the owner, a fence or other enclosure designed to**  
19 **exclude intruders or contain animals or crops, or a sign posted which is reasonably likely**  
20 **to come to the attention of an intruder and which indicates that entry is forbidden.**

21           **2. A person who commits the crime of agricultural production facility interference**  
22 **is guilty of a class A misdemeanor. Any second or subsequent violation is a class D felony.**

23           **3. A person who pleads guilty to or is found guilty of the crime of agricultural**  
24 **production facility interference is liable for restitution for any damages incurred in the**  
25 **commission of the crime.**

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